

Atlas Stakeholders meeting
February 8, 2001
Department of Environmental Quality
Building 2, Room 201
168 North 1950 West
Salt Lake City, UT 84116

In Attendance:

Working Lunch Meeting:

Dianne R. Nielson, Department of Environmental Quality (DEQ)
Bill Sinclair, DEQ
Loren Morton, DEQ
Joette Langianese, Grand County
Keith Eastin, Pricewaterhouse Coopers (PWC)
Anthony J. Thompson, Shaw Pittman/PWC
Bill Abington, PWC
Jim Langley, PWC
Don Metzler, Dept. of Energy, Grand Junction Office (DOE GJO)
Joel Berswick, DOE GJO
Ray Plienness, DOE GJO
Kim Schappert, Grand County
Maria Schwartz, Nuclear Regulatory Commission (NRC-OGC)
Dan Gillen, NRC-NMSS
Mike Fliegel, NRC-NMSS

Stakeholders Meeting:

Dianne R. Nielson, DEQ
Bill Sinclair, DEQ
Loren Morton, DEQ
Patrick R. Green, Lan Design
Ron Dean, Senator Hatch's Office
Dan Gillen, NRC - NMSS
Maria Schwartz, NRC - NMSS
Anthony J. Thompson, Shaw Pittman/PWC
Maggie Wyatt, Bureau of Land Management (BLM)
Donald Metzler, DOE
Terry Wetz, International Uranium Corporation (IUC)
Helen Dawson, US EPA, Region VIII
Bruce Waddell, US FWS
Michael Adkison, Moab Citizen
Ron Hochstein, IUC
Paul Mushovic, US EPA, Region VIII
Cullen Battle, Grand Canyon Trust

Mike Fliegel, NRC - NMSS
Karla Hancock, Moab City
Bill Abington, PWC
Sheryl Nisely, Utah Workforce Services, Moab Office
Jim Langley, PWC
Keith Eastin, PWC
Max Young, State Representative, District 71

Trustee (PWC) Issues

- A. Site Status Report
 - C Primary Contractors
 - C SRK (dewatering, analyze content of pile)
 - C Harding Lawson Associates (HLA), Shepherd Miller (SM) (groundwater and river characterization)
 - (1) Dewatering of the pile (SRK & HLA) impacts the pile in three ways
 - a) Groundwater
 - b) Future radon cover
 - c) Easier to move (dryer tailings)
 - C Installed 17,000 wicks in the central portion of the pile to accelerate dewatering
 - C Wick - 10 feet apart on grid
 - C Apply pressure (dirt) on the top of the pile
 - C Dewatering is a multiple year project - 1 ½ -2 years
 - (2) Earthworks - HLA
 - C Load the pile
 - C Recovered some of the worst soils
 - C Recover all exposed tailings
 - C 800,000 cubic yards moved to date
 - C Did recontouring to help load top of pile until June 12
 - C 10-acre pond on top
 - C Loading is not completed on the pile
 - C Some hot areas moved to the top
 - C All equipment decontaminated and removed off-site
 - C Short term (1 year) no erosion problem; if left for extended period of time it will need to be taken care of.
 - (3) Site Characterization (What is in the pile?)
 - C Drilled holes through the pile
 - C Analyzed solids and liquids
 - C Findings published January, 2001

- (4) Impact of Seepage on the River (SM)
 - C River sampling program April-November, 2000
 - C Contaminant detected in river
 - C Took samples in backwater, puddles & river along 4 different transects
 - C Only significant threat to fish is during low water
 - C Found lower ammonia concentrations than USGS study
 - C Findings published in January, 2001 SM Report
- (5) Groundwater Site Characterization (SM)
 - C What is under the mill site?
 - C Analyze soils and water quality
 - C Study ease of migration in subsurface
 - C Gather facts to assess cleanup possibilities
 - C Report due to NRC in March, 2001

B. Cash Available and Future Plans

- (1) Receipt from Atlas and DOE \$6,845,000
- (2) Expenditures through January, 2001 \$5,865,000
- (3) Cash as of 1/31/01 \$ 980,000
 - C PWC indicated bills still coming in. This total cash as of 1/31/01 is actually less
- (4) Projected cash by 3/3/01 \$ 300,000
- (5) 4/01 DOE reimbursement \$ 400,000
 - C \$700,000 available by April 1, as well as transfer of the assets in order to get the site transferred to DOE and whatever else needs to be done.
- (6) Accounting of funds:
 - C \$2 million to Harding Lawson Assoc.
 - C \$1.2 million to SRK for dewatering plan and site analysis
 - C \$800,000 to Shepherd & Miller for groundwater analysis & river characterization
 - C Attorney fees, trustee fees, payroll, property taxes, utility bills, payroll, payments to contractors - detailed accounting will be put together. Money is running out. Is there enough money for simple caretaker costs until transfer in October, 2001 to DOE?
 - C Will receive \$400,000 April 1, 2001
 - C Major work stopped January 12, and all equipment came off-site. End of February, 2001, all invoices will be in from contractors
 - C \$300,000 in the bank at the end of March
 - C Started out with \$5.25 million; got 3 supplemental fundings after that.
 - C Contractors' estimate was high, so money was allocated between pile characterization and dewatering design and an earthmoving activity, leaving

- enough money for groundwater characterization.
- C Contractor accomplished all they could within budget
- C Upon takeover, DOE will provide a detailed account of where money has been spent.
- (7) What people in Moab saw in the last year:
 - (1) March - nothing happening on pile - selecting contractors
 - (2) May/June - spending money to drill holes in the pile to find out what is there
 - (3) August/September - earth work started in August
 - (4) January, 2001 - scaling down, equipment is off-site

Questions:

- C Is there a plan to stabilize the dirt?
Wind blown tailings are a serious issue. Trucks were running constantly putting water on the pile. Present exposed soils are not clean but are not tailings. No way to keep dust down unless you want to do a serious watering project or apply a surfactant. If payment of funds due to the Trust can be accelerated the dewatering and erosion control can continue to be addressed.
- C What is the advantage of keeping water in the pond? Why not take the pond off the pile?
Ran out of money. Pile needs to be dewatered. If water were not on top of the slimes there would be exposed tailings that could dry out, release more radon gas and blow around. If the water on the slimes evaporates naturally there will be better support structure to bring new dirt in and continue closing the hole until it is gone.
- C Given the small amount of money, citizens were told that all of the work would be preliminary and would not include reconfiguring the sides of the pile. It was never explained that a major portion of the money would be spent on reconfiguring.
Reconfiguring was an integral part of the plan that Atlas designed, engineered and approved by NRC for on-site stabilization. Work that was done was in the reclamation plan.
- C Amonia was identified as a problem from the USGS study. What course of action are you taking as interim measures?
None. Never got a consensus from FWS as to what was allowed. Spent money in other ways identified in plan.

NRC Issues

- A. License Transfer Process - Recent Activities Coordination - Mike Fliegel, NRC
 - (1) With passage of recent legislation, NRC's role is changed. Focus on 4 things:
 - C Reclamation plan that was approved should not be finished. Trustee does not have money or time. NRC will officially let Trustee know he is not being remiss.
 - C Important for licensee to continue doing things that have to be done under NRC License; primarily maintenance and monitoring of the site. Everything in the

- NRC license has to continue.
- C Assure that when site is transferred to DOE, it is in the best possible condition.
- (2) NRC will terminate the license and assets transferred no later than October 30, 2001. License will disappear; not transfer. Legislation terminates the license.
 - C In interim, Trustee will cover tailings in the middle as they dry out
 - C DOE will take measures to control cover from being blown from site of pond
 - C After transfer to DOE, NRC still has responsibilities; however there is no license. Title I Program has DOE select and implement a remedy for the site after NRC concurrence. NRC concurrence is based upon whether or not proposed remedy meets EPA standards (40 CFR 192)
 - C When remediation is complete DOE will continue custodial care of site

Questions:

- C What happens if Trustee runs out of money before October 30, 2001?
Shouldn't run out. They are supposed to look ahead 180 days and have enough money to do the custodial care.
- C Even if dust and dirt are not tailings, it is a concern for citizens. If best solution is to put a surfactant in place and the Trustee runs out of money how does NRC balance decisions of site maintenance vs. dust suppression?
There is enough money to do both dust suppression and normal site maintenance by Trustee.

DOE Issues - Ray Plienness, Don Metzler & Joel Berwidk - slide presentation

- A. Page 2 of slide show - summary of schedule of activities DOE will do between 2001 and 2002
- B. Page 3 - required to do a plan for remediation
- C. Second study that is required is National Academy of Science Study (NAS)
- D. If there is a difference of opinion on what NAS believes should happen vs. what DOE believes should happen, DOE has to submit a report to Congress identifying those deviations and the reasons
- E. Slide 5 - Plan for Remediation
 - (1) Plan will include capping in place, relocating tailings pile to site similar to Klondike Flat or other alternative site.
 - (2) Will include stakeholder issues, affected agency positions, technical evaluations and costs, both immediate and long-term.
 - (3) DOE asked the Stakeholders to help them with the evaluation process
 - (4) Limited time & lack of appropriated funds prevented DOE from obtaining new technical data in 2001. Remediation will be done with or without additional funds.
- F. Page 6 - NAS studies

- G. DOE will complete plan for remediation and provide to NAS
- H. Study from public hearings on direct impact of public to begin in fall, 2001. Will take 6 months to complete
- I. DOE will complete its study by September. Report available from NAS by March, 2002.
- J. Transfer site from Trustee to DOE
 - (1) Not transferring Trustee responsibilities
 - (2) Trustee can continue to do things that are valuable to DOE
 - (3) Existing NRC license terminates no later than October 31, 2001.
 - (6) DOE, NRC, and Pricewaterhouse Coopers have reached agreement on tasks to be completed by Trustee (based on funds availability)
 - c DOE has agreed to:
 - 1. Erosion protection of temporary cap
 - 2. Cover exposed tailings on top
 - 3. Cover sides
 - c DOE, NRC and PWC have reached agreement on:
 - 1. Geotechnical
 - 2. Decrease settlement monitoring until spring
 - 3. Develop plan to evaporate pumped pore water
 - 4. Continue pumping 6 tailings dewatering wells, and recondition wells if necessary
 - 5. Groundwater: continue data collection & prepare characterization report containing numeric flow model

Physical Site Transfer (2nd Phase of Taking over the Site)

- A. Site ownership to DOE
 - (1) Needs to be done by the end of October, 2001
 - (2) Obtain title evidence
 - (3) Prepare offer to sell and trustee deed
 - (4) Receive final title opinion from Department of Justice
 - (5) Close escrow
 - (6) Complete transfer no later than October, 2001
 - a) Will complete this action as soon as funding is available for DOE operation and maintenance

Legislative Funding for 2001 Activities

- A. Law limits funds to program direction funds; ie federal staff, amounts for remedial action must be made through appropriation and from royalty payments from oil shale reserve no.2
- B. DOE has requested reprogramming of \$1.95 million from internal DOE sources

- C Requires Congressional approval
- C Submitted to Congress January 19, 2001
- C May be available by late spring

Status of Funding for DOE Activities - Proposed FY 2001 Activities

A.	Plan for remediation	\$400,000
B.	Initiate National Academy of Science study	\$250,000
C.	Transfer site	\$100,000
D.	Initiate detailed planning	\$450,000
E.	Initiate field work	\$450,000
F.	Operation & Maintenance if site transfers early	<u>\$300,000</u>
TOTAL:		\$1,950,000

Moab Tailings Pile Remediation Schedule

C	NEPA determination	2002
C	Supplemental investigation	2002
C	Infrastructure/mobilization	2003
C	Design/permitting	2003
C	Cell construction	Mid-2005
C	Tailings haul	Mid-2005 to mid-2009
C	Cover construction	2008-2009

Moab Groundwater Activities Schedule

C	Supplemental surface & groundwater investigation	2002
C	Develop corrective action plan	Mid-2002-2003
C	Interim remedial action	Mid-2002-2003
C	Obtain regulatory concurrence	End of 2003, beg of 2005
C	Implement corrective action plan	2004-2010

Question:

- C When title is transferred in October, what if money is not appropriated to DOE?
Can only request funding from Congress, which looks favorable. If DOE doesn't get \$1.95 million, the process could be slowed down 6-8 months. If no funding is received, maintenance will be the issue.

- C Will alternatives include leaving the pile in place?
Yes. DOE has requested a legal opinion on whether or not the pile has to be moved.
- C What is the role for the Atlas Stakeholders Group?

1) could be a sounding board for DOE; make the process more open than it has historically been; and 2) ability to assure funding and consistency across agencies

Groundwater Committee Issues - Dan Kimball, NPS

- A. Committee was formed January, 2000. Principle role was information sharing and to work directly with Trustee; technical focus; information sharing only
- B. Membership:
 - C Pricewaterhouse Coopers
 - C Oakridge National Laboratories
 - C EPA
 - C Fish & Wildlife Service
 - C Grant County
 - C Grand County Trust
 - C Utah DEQ
- C. Future work of the committee - should it continue? Where does it go from here?
 - A. Big issue is looking at the extent of the contaminant in pile. Important if long-term report is going to be done.
 - B. Has bearing on a long-term remediation plan for ground water in the area
- D. Have not seen report from Shepherd Miller on this subject. 3 reports:
 - 1. Report from Shepherd Miller analyzing river sampling
 - 2. Tailings geochemistry report from SRK - design of the dewatering plan
 - 3. Shepherd Miller groundwater remediation report saying they have done what they could do in the allotted time frame.
- E. Committee has never been asked to provide consensus opinion.
 - A. If Committee meets & provides feedback to stakeholders it would not be violating the Federal Advisory Committee Act (FACA), as long as they aren't being asked to formulate agreements
- F. Don Metzler is DOE's spokesperson for groundwater group
- G. Committee will continue meeting under Diane's and Kimberly's leadership and invite DOE to the table

FWS Issues

- A. Fate of 7/98 Biological Opinion
 - (1) Biological opinion issued in July, 1998. FWS sent letter to NRC in April, 2000, asking for reinitiation & asked them to enter back into a formal discussion.
 - (2) Disagreement between FWS, NRC & Trustees on requirement to reinitiate consultation.

- (3) Decision was made NOT to reinitiate consultation.
- (4) Today, 2/8/01, FWS sent letter to NRC withdrawing Final Biological Opinion for the proposed reclamation of Atlas Mill Tailings Site in Moab, Utah. Letter included items that could be done without a biological opinion.
 - 1. Protection from erosion of tailings pile
 - 2. Treatment of side slopes with surfactant to reduce dust
 - 3. Development of pumping system to remove drain water from wicks to an evaporation area
 - 4. Environmental monitoring and sampling and cell maintenance as agreed to by DOE in coordination with FWS.
- C FWS believes that withdrawal of the Biological Opinion will not preclude Trustee from undertaking the three actions specified above.
- C Letter does not require response from Trustee
- C Trustee will not remove dirt from critical habitat area
- C All parties need to review letter from FWS to determine what can and cannot be done.
 - 1. Does this affect the 6 priorities identified at lunch working meeting to facilitate transfer to DOE?
 - a) NRC recommended stakeholders provide cost estimates for 6 priorities discussed.
 - 2. Dianne asked group to evaluate by February 22 and identify legal issues.
- C Trustee will need to consult with legal counsel before proceeding.
- C Non-attorneys can look at issues and provide information by February 22
- C Lawyers look at recommendations after February 22 to see what puts Trustee at risk; then look at money again.
- C Suggest next meeting for mid-March.